

Article 9 Supplemental Use Regulations

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9-1 Accessory Structures and Uses; Parcel Limitations

9-1.1 The aggregate gross floor area of an accessory structure (i. e., the total gross floor area of the structure) shall not exceed thirty (30) percent of the area of the rear yard, nor shall it exceed 25% of the total area of the principal structure.

9-1.2 Accessory structures shall not be located closer than five (5) feet to any rear or side property line.

- ~~Attached carports, garages, or other attached accessory buildings and structures shall be subject to same setback as the main structure.~~ [from existing Section 7-5]

9-1.3 An accessory dwelling unit in a single-family dwelling or in an accessory building ~~shall~~ may be permitted by Special Use Permit in an R-15 or R-10 Residential District, provided that

- 1) either the main dwelling or the accessory dwelling unit be occupied by the owner of the property,
- 2) the accessory dwelling unit shall not exceed twenty-five (25) percent of the total floor area of the main dwelling nor contain less than five hundred (500) square feet of floor area,
- 3) the general appearance of a single-family dwelling shall be maintained,
- 4) no exterior stairways to a second floor be constructed at the front or side of the main building, and
- 5) at least three (3) off-street parking spaces are available on the property for use by the owner-occupant and the tenant.

[Note: the above passage was moved from old Article 29 (special exceptions)]

9-2 Additional Regulations Where a Grouping or More than One Use is Planned for a Tract [old 15-10]

9-2.1 The development shall consist of a harmonious selection of use and groupings of buildings, service and parking areas, circulation and open spaces, planned and designed as an integrated unit, in such a manner as to constitute a safe, efficient, and convenient neighborhood commercial center.

9-2.2. The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural unit with appropriate landscaping. All buildings shall be arranged in a group or groups.

9-2.3 The distance at the closest point between any two (2) buildings or groups or units of attached buildings shall be not less than twelve (12) feet.

9-2.4 Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles; servicing of shops by refuse collection, fuel, fire, and other service vehicles; automobile accessways; and pedestrian walks. Service areas shall be screened from view and abutting roadway, from within the parking area and from adjacent properties.

9-2.5 Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion or interference with normal traffic flow.

9-3 Affordable Dwelling Unit Provisions *[from existing Article 11]*

9-3.1 A density bonus system is offered to encourage private sector development of low and moderate priced dwelling units. ADUs must be built so as to provide a convenient, safe, pedestrian-friendly and accessible living environment in which the affordable dwelling units blend in and are interspersed with market-rate dwellings. For the purposes of this Article, persons eligible to rent or buy affordable dwelling units (ADU) shall include those eligible for assistance under the following state or federal programs:

- Virginia Housing Development Authority
- Section 8 Rental Assistance Program
- Department of Housing and Urban Development Community Block Grant Program
- Farmer's Home Administration Program
- Other programs similar to those named herein as approved by Town Council

9-3.2 The applicant shall provide assurance to the Town that the affordable dwelling units will continue to be available for this purpose for at least twenty-five (25) years following the date of Town approval. This assurance will take the form of a deed restriction, restrictive covenants, or other form of legal and binding agreement approved by the Town Attorney and Town Council.

9-3.3 The density bonuses outlined in the District provisions in Article 3 shall be permitted in conjunction with the ADU density bonus. The maximum density shall not exceed ~~twenty-five (25) dwelling units per gross acre~~ that provided for in the provisions of each District. Percentages of density increase are to be applied separately and are not to be compounded. ~~The Planning Commission must recommend the density bonus and the Town Council must approve it through the special use permit process, as outlined in Article 4, Section 4-8.~~ The ocess for granting approval of such density bonuses shall be in accord with the procedures and provisions for zoning amendments provided for in Article 11.

9-3.4 The applicant shall design and develop the site using the traditional design techniques provided for in Article 9, Section 9-20 and Article 3, Section. 3-5.2.10.

- 9-3.5** ADU's should first be made available to persons residing or working in the Town of Warrenton or Fauquier County. The developer shall contact the appropriate local Social Service and/or Housing Authority offices for identification and placement of residents ninety (90) days prior to advertising the availability of the units.

9-3.6 Special Parking Considerations for Affordable Dwelling Units [existing Section 11-11]

In order for developers to achieve densities that are allowed under the ADU density bonus, the following reductions may be allowed with the approval of Town Council:

- Single room occupancies: 1.0 parking space per unit
- Studio/Efficiency: 1.25 parking spaces per unit
- One Bedroom: 1.5 parking spaces per unit
- One Bedroom and Den: 2.0 parking spaces per unit

9-4 Apartment Buildings, Special Regulations [existing Section 18-10]

Apartment buildings shall be constructed in accordance with an overall plan and shall be designed as a single architectural unit with appropriate landscaping.

Adequate areas shall be provided for loading and unloading of delivery trucks and for the servicing of refuse collection, fuel, fire, and other service vehicles. These areas shall be so arranged that they may be used without blockage or interference with the use of accessways or parking facilities. Service areas shall be screened from view from any abutting roadway and from within the parking area.

Provision shall be made for safe and efficient vehicular ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow. Provision shall also be made for safe and convenient pedestrian ingress and egress to all adjacent public rights of way, as well as to adjacent properties. Where intersection augmentation is required, the applicant shall bear the cost of any improvements made necessary by his development.

9-5 Bed and Breakfast Facilities [all new]

The following establishments are permitted in designated districts subject to all applicable district regulations of this Ordinance and the issuance of a zoning permit.

9-5.1. Bed and Breakfast

- 9-5.1.1. The owner of the premises shall reside in and manage the establishment.
- 9-5.1.2. The establishment shall not contain restaurant facilities, but may provide morning food service for transient, overnight guests only.
- 9-5.1.3. Up to four (4) guest rooms without cooking facilities may be provided for paying

guests.

- 9-5.1.4 On-site, off-street parking shall be provided, not located in front yards, at a minimum of one space per guest room, in addition to the minimum requirements for the residents of the dwelling unit.
- 9-5.1.5 The establishment shall have safe access to and from a public road.
- 9-5.1.6 Commercial use or rental of the property for business meetings, seminars, receptions and similar events shall not be permitted.

9-5.2. Inn

- 9-5.2.1. The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by one or more guests.
- 9-5.2.2. The establishment shall not contain restaurant facilities, but may provide food service for transient, overnight guests only.
- 9-5.2.3. Up to twelve (12) guest rooms without cooking facilities may be provided for paying guests.
- 9-5.2.4 Outdoor events such as weddings, receptions, and similar activities may be conducted for compensation subject to the provisions for temporary uses set forth in Section 9-19.
- 9-5.2.5 On-site, off-street parking shall be provided, not located in front yards, at a minimum of one space per guest room, in addition to the minimum requirements for the residents of the dwelling unit.
- 9-5.2.6 The establishment shall have safe access to and from a public road.

9-6 Cluster Development Provisions *[consolidated from several section in existing Article 7 and simplified]*

9-6.1 Intent

The site design and development of a cluster development shall preserve permanent open space and achieve efficient and improved use of land by minimizing grading and destruction of natural vegetation, particularly mature trees on steep slopes and in stream valleys. Plans shall not be approved where the design subverts the purposes of these regulations by inclusion of excessively unbalanced distribution of land among lots or inclusion of open spaces which are inappropriately located or which will not contribute to the future amenity of the development.

9-6.2 General Provisions and Applicability

- 9-6.2.1 The cluster development shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed or undeveloped properties, and to

this end may employ such design techniques as may be appropriate in a particular case, including coordination of yard dimensions, location of lots of various sizes, location of buildings with respect to project boundary lines, location of open spaces, and maintenance of vegetation.

- 9-6.2.2 No resubdivision or sale by any means shall be permitted in a development approved under this section which resubdivision or sale would in any way create a violation of this Ordinance.
- 9-6.2.3 A minimum of thirty (30) percent of the subject tract shall be designated as permanent common open space in accord with the provisions of Article 9. Such land may include parks, woodlands, steep slopes, flood plains, bodies of water, or any natural feature appropriate for preservation; provided, however, that no more than thirty (30) percent of the required open space shall consist of bodies of water. Private outdoor recreation facilities such as swimming pools and tennis courts, the use of which is limited to the occupants of the development, may be included as part of the required open space, as may those buildings, structures or sites officially listed on the Virginia Landmarks Register. The land area to be set aside for common open space shall be so located and shaped as to have a logical and mutually beneficial relationship to additional open space in adjacent tracts, whenever practical and feasible.
- 9-6.2.4 All open space land in or encompassed by a cluster development which is a part of the same tract (either required or not required open space) and is not actually used or planned for development shall be maintained as open space to be enjoyed by the residents. Open space shall be provided and maintained either:
- under the provisions of Article 9;
 - by the developer and/or management in the case of rental properties on either a temporary or permanent basis;
 - it may be sold as a separate, undevelopable parcel.
- 9-6.2.5 All required open space in a cluster development shall be placed under a permanent conservation easement that precludes future development of the open space areas, regardless of future ownership. Such easement shall be dedicated in whole or in part to the Town and/or a conservation entity authorized to accept such easements. The provisions and form of the easement must be satisfactory to the Town.

9-6.3 Procedures

The cluster development alternative shall be permitted by special use permit subject to all provisions of Article 11, Special Use Permits, provided there is also full compliance with the standards for cluster development as set forth in the district regulations. In addition, documentation shall be provided to demonstrate that the land to be developed is under one (1)

ownership or control, or in the case of several owners, that agreement has been reached that the tract shall be developed under single direction and in the manner set forth, and that the conservation easement required in Section 9-6.2.5 shall be recorded in conjunction with approval of the cluster development subdivision record plat.

9-7 Home Occupations and Home Businesses *[all new]*

Home Occupations and Home Businesses, as defined in Article 12, are permitted in certain districts as provided herein, subject to the following requirements.

9-7.1. Home Occupations

- 9-7.1.1. No person other than members of the family residing on the premises shall be engaged in such occupation on the premises.
- 9-7.1.2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the family, and the total area used for the occupation on the site, in the residence and/or in any accessory structures, shall not exceed an amount equal to twenty-five (25) percent of the gross floor area of the dwelling unit.
- 9-7.1.3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
- 9-7.1.4. There shall be no on-site sales in connection with such home occupation, other than items handcrafted on the premises or client meetings for the provision of professional services, and there shall be no group instruction, assembly or activity, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.
- 9-7.1.5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood (ten [10] vehicle trips per day per dwelling). Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard, unless located on that property's existing driveway.
- 9-7.1.6. No equipment or activity shall be used or conducted in such home occupation which creates noise, vibrations, glare, fumes, odors or electrical interference detectable from off the lot.

9-7.2. Home Businesses

- 9-7.2.1. Members of the family residing on the premises are permitted to be engaged in such home business.
- 9-7.2.2. For activities meeting the definition of Home Business, in addition to family members residing on the premises, up to three (3) non-resident, non-family employees shall be permitted to work on the premises up to 40 hours per week each, subject to the requirements for parking and traffic as provided herein.
- 9-7.2.3. The use of the dwelling or accessory building for the home business shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. The total area used for the business on the site shall not exceed an amount equal to twenty-five (25) percent of the gross floor area of the dwelling unit.
- 9-7.2.4. No change shall be made to the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of the home business, other than one sign that complies with the sign regulations in Article 6 of this Ordinance.
- 9-7.2.5. No traffic shall be generated by such home business in greater volumes than would normally be expected from a residential use (10 vehicle trips per day per dwelling). Any need for parking generated by the conduct of the home occupation or business shall be met by off street parking other than in a required front yard unless located on an existing driveway. One additional off-street parking space shall be provided for each non-family resident employee. Such parking space(s) shall not be located in the required front yard, unless located on an existing driveway, and shall not result in any reduction in the normal minimum required parking for residential dwellings. Such parking spaces also shall not create any impact on the parking requirements or supply of parking of adjacent properties in the neighborhood.
- 9-7.2.6. In connection with such home business, there shall be no client or customer visits that generate traffic in excess of what would normally be expected from a residential use (10 vehicle trips per day per dwelling). Also, there shall be no items sold on-site other than items handcrafted on the premises. There shall be no group instruction, assembly, activity, or display that indicates from the exterior that the building is being used for any purpose other than that of a dwelling.
- 9-7.2.7. No equipment or activity used or conducted in such home occupation or business shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to neighbors or passersby, or the use of radio, TV, audio, computer or telephone equipment off the lot or in adjacent dwelling units.

9-8 Lighting *[new language, plus language consolidated from various sections of the existing ordinance]***9-8.1 Purpose**

The purpose of these lighting regulations is to establish minimum standards for outdoor lighting in order to:

1. Ensure the provision of lighting that provides safety, utility, and security;
2. Prevent dangerous glare on public roadways and nuisance glare onto adjacent properties;
3. Protect the privacy of neighbors by limiting light trespass to neighboring properties;
4. Limit light pollution; and
5. Protect and retain the established historic character of the Town.

9-8.2 Applicability

9-8.2.1 These outdoor lighting regulations shall apply to each outdoor lighting fixture installed or replaced after the date of adoption of these regulations which:

1. Is located on property within a commercial, mixed-use, multi-family residential or industrial zoning district, including sign, architectural, landscape, and recreational lighting;
2. Is to be installed in conjunction with a use for which a site plan is required by this Ordinance;
3. Is to be installed in conjunction with a public or municipal use such as schools, parks, fire / rescue stations and libraries;
4. Involves the use or installation of a high intensity discharge lamp, regardless of its initial lumens or location; or
5. Involves the replacement of inoperable bulbs, fixtures or other components which shall be subject to the requirements of this Ordinance. However, if the failed component is part of a multi-fixture installation, it may be replaced with a similar fixture if necessary to maintain the appearance or performance of the entire existing installation.

9-8.2.2 The lighting standards set forth in Section 9-8.6 shall apply to all uses in the Town.

9-8.3 Conformance with Codes

All outdoor illuminating devices shall be installed and maintained in conformance with the provisions of the Building Code, the Electrical Code, and the sign regulations of this Ordinance.

9-8.4 Exemptions

The following outdoor lighting and related activities shall be exempt from the requirements of these outdoor lighting regulations:

9-8.4.1 Seasonal decorative lighting.

9-8.4.2. Lighting which is not subject to this chapter by state or federal law.

9-8.4.3. Construction, agricultural, emergency or holiday decorative lighting, provided that the lighting is temporary, and is discontinued within seven (7) days upon completion of the project or holiday for which the lighting was provided.

9-8.4.4. Security lighting controlled by sensors which provides illumination for ten (10) minutes or less.

9-8.4.5. Light sources on public utility poles in the public rights of way.

9-8.4.6 Public street lights.

9-8.5 Lighting Plan Required

For subdivision, site plan and other land-development applications where site lighting subject to these provisions is required or proposed, lighting plans shall be submitted to the Town for review and approval in conjunction with such development applications, and shall include:

9-8.5.1. The location of all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed fixtures by location, mounting height and type. The submittal shall include all lighting sources, including but not limited to, area lighting, architectural lighting, building-entrance lighting, landscape lighting and sign lighting.

- 9-8.5.2** Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.
- 9-8.5.3** A visual-impact plan that demonstrates that appropriate steps have been taken to mitigate on-site and off-site glare and light trespass and to protect the Town's character.
- 9-8.5.4** Lighting Plan Approval. If the zoning administrator determines that the proposed lighting plan does not comply with these regulations, the plan shall not be approved. The Zoning Administrator shall provide the applicant with a written description of the deficiencies of the plan, and the applicant may submit a revised plan for review and approval. Decisions by the Zoning Administrator may be appealed in accord with the provisions of Article 11 of this Ordinance.

9-8.6 Lighting Standards

9-8.6.1 Control of Nuisance and Disabling Glare

1. All outdoor lighting, whether or not required by this Ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property, shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their view or ability to safely traverse the area and so as not to create a nuisance by projecting or reflecting objectionable light onto neighboring uses or property.
2. Directional fixtures such as flood lights, spot lights and sign lights shall be installed or aimed so that they do not shine directly into the window of a neighboring residence, directly into a roadway, or skyward.
3. All outdoor light fixtures, including those that light the area under outdoor canopies, shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light-emitting element, so that direct light emitted above the horizontal plane is eliminated.
4. All outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business.

5. Vegetative screens shall not be the primary means for controlling glare. Rather, such control shall be achieved primarily through the use of full cut-off fixtures, the appropriate application of mounting height, wattage, aiming angle, fixture placement and fixture design, and the addition of louvers, shields and baffles as necessary.
6. Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign, shielded and aimed down or by fixtures mounted at the bottom of the sign and aimed and shielded such that the light falls only on the sign surface so as to limit sky-lighting impacts, and no glare is created off the sign face.
7. Lighting for commercial, industrial, public recreational and institutional uses shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing after hours outdoor lighting fixtures, to mitigate nuisance glare and sky-lighting consequences.
8. Lighting proposed for use after 11 p.m., or after normal hours of operation of a business, which ever is earlier, for commercial, industrial, institutional or municipal uses, shall be reduced by at least 50% from then until dawn.
9. All illumination for advertising signs, buildings and/or surrounding landscapes for decorative, advertising or esthetic purposes is prohibited between 11:00 p.m. and sunrise, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until one hour after closing.
10. Illuminated signs shall have an indirect lighting source or shielded source. Fixtures used for architectural lighting, such as façade, feature and landscape lighting, shall be aimed or directed so as to preclude light projection beyond the immediate objects intended to be illuminated.
11. Glare shall be prevented through the use of light diffusers such as translucent glass, or lenses which direct lights rays to prevent glare.
12. Outdoor lighting of sports fields and facilities shall be extinguished after the completion of the event. [moved from 9.8.8]

9-8.6.2 Installation and Maintenance

1. The applicant shall install or cause to be installed all lighting fixtures, poles and related facilities in accord with the lighting plan approved by the Zoning Administrator. The applicant and subsequent landowner shall be responsible for all costs involved in the maintenance, upkeep and operation of all lighting, parking and loading areas and other elements required by this Ordinance.
2. In no case shall a lighting fixture be mounted in excess of twenty-five (25) feet above grade.
3. Light poles shall be no greater than twenty (20) feet in height in a residential district or mixed-use district, nor twenty-five (25) feet in a commercial or industrial district.
4. Except as otherwise provided for herein, fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade. Fixtures not meeting IESNA cutoff criteria shall not be mounted in excess of sixteen (16) feet above grade.
5. Electrical feeds for fixtures mounted on poles shall be run underground, not overhead.
6. All light fixtures that are required to be full cut-off fixtures shall be installed and maintained so that the shielding is effective as described in the definition of a full cut-off fixture, as defined herein.
7. Lamp types that are required to have full cut-off fixtures include Low/High Pressure Sodium, Mercury Vapor, Metal Halide and Fluorescent over 50 watts and Incandescent (including tungsten-halogen (quartz) lamps) over 160 watts.

8. Lamp types that are not required to have full cut-off fixtures include Incandescent 160 watts or less, fossil fuel, any light source of 50 watts or less.
9. All lights in open areas such as parking lots are required to have full cut-off fixtures.
10. Lighting fixtures shall be maintained so as always to meet the requirements of this Ordinance.

9-8.6.3 Design

1. Except as provided herein, each outdoor luminaire subject to these outdoor lighting regulations shall be a full cut-off luminaire or a decorative luminaire with full cut-off optics.
2. If a luminaire is equipped with more than one lamp, the lumens of the lamp with the highest initial lumens shall determine the lumens emitted.
3. Light sources shall not cast glare upon adjacent property or upon a public right of way. The intensity at adjoining streets and commercial or industrial properties shall not exceed 0.5 foot candles, and the intensity at adjoining residential or institutional property boundaries shall not exceed 0.1 foot candles.
4. For auto/truck service stations and convenience retail uses, lighting in island canopy ceilings shall be recessed and have full cut-off fixtures with flat lenses, and shall not exceed 40 initial output lumens per square foot of canopy.

9-8.7 Prohibitions

The following lighting types are prohibited:

- 9-8.8.1. Laser source light when projected above the horizontal plane.
- 9-8.8.2. Searchlights for advertising or for other non-public safety purposes.
- 9-8.8.3. Outdoor advertising by off-site signs.
- 9-8.8.4. Reflective mountings.
- 9-8.8.5. Exposed neon tube lighting.
- 9-8.8.6. Flashing lights, except as specifically permitted in this Ordinance.

9-8.8. Waivers and Modifications

The Town Council, in conjunction with the approval of a special permit, may modify or waive one or more of the standards set forth in this section, and may impose conditions on such a modification or waiver which it deems appropriate to further the purposes of these outdoor lighting regulations, in accord with the procedures and standards for Special Use Permits set forth in Article 11, Section 11-3.11, in the following circumstances:

- 9-8.8.1.** Upon finding that strict application of the standard would not forward the purposes of this chapter or otherwise serve the public interest, or that alternatives proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.
- 9-8.8.2.** Upon finding that an outdoor luminaire, or system of outdoor luminaries, required for a publicly owned baseball, softball, football or soccer field cannot reasonably comply with the standard and provide sufficient illumination of the field for its safe use, as determined by recommended practices adopted by the Illuminating Engineering Society of North America (IESNA) for that type of field and activity or other evidence if a recommended practice is not applicable.

9-8-9. Nonconforming lighting.

Any lighting fixture lawfully existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance shall be considered a lawful nonconformance subject to the following:

A nonconforming lighting fixture shall be made to conform with the applicable requirements of this Ordinance when:

1. It is replaced, abandoned or relocated.
2. There is a change in use of the property on which the area being illuminated is located.

9-9 Manufacturing Buildings, Special Regulations [from existing Article 19]**9-9.1 General Standard**

All uses shall be conducted so as not to produce hazardous, objectionable, or offensive conditions at property line boundaries by reason of odor, dust, smoke, cinders, fumes, noise, vibration, heat, glare, wastes, fire, or explosion.

9-9.2 Enclosed Buildings.

All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street or from a residence district by landscaping, fences, or walls.

9-9.3 Landscaping and Fencing.

Where approval of a site plan is required, the landscape plan shall be designed to promote harmonious relationships with adjacent and nearby residential properties, developed or undeveloped, and to this end ~~may~~ shall provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen, or natural vegetation as outlined in Article 8 General Provisions for Landscaping. All fencing shall have a uniform and durable character and shall be properly maintained.

9-10 Mobile Homes (Manufactured Homes) [entirely new section]**9-10.1. Purpose**

Mobile homes for residential use are not permitted as a new use. The intent of this section is to prescribe standards and conditions for the use of existing mobile homes as of the date of adoption of this Ordinance.

9-10.2. General Requirements for Existing Mobile Homes

- 9-10.2.1. A mobile home shall not be used for the purpose of an accessory use, such as a separate storage facility.
- 9-10.2.2. The attachment of a mobile home to another mobile home or attachment to a single-family dwelling is prohibited.
- 9-10.2.3. Mobile homes manufactured before 1976 shall not be located or relocated within the Town.

9-10.3. Temporary Or Emergency Use Of Mobile Homes.

- 9-10.3.1. Temporary use of mobile homes shall meet all other requirements in the zoning district for lot size, setbacks, etc.
- 9-10.3.2 Emergency uses of individual mobile homes only will be allowed in residential districts where a natural disaster or fire has destroyed or damaged normal dwellings. Approval of a temporary mobile home placement permit shall be required prior to the placement of the mobile home and may be approved by the Zoning Administrator for a period of up to one (1) year. The Zoning Administrator may grant one (1) extension of the time period of up to six (6) months.
- 9-10.3.3 Use of mobile homes for office or storage for construction projects. Mobile homes are permitted as temporary offices or storage structures in business, industrial or residential districts in the construction phase of buildings in such districts. Approval of a temporary mobile home placement permit shall be required prior to the placement of the mobile home and may be approved by the Zoning Administrator for a period of up to one (1) year. The Zoning Administrator may grant one (1) extension of the time period of up to six (6) months.

9-11 Office and Other Business Buildings, Special Regulations [from existing Section 15-11]

- 9-11.1 The principal means of vehicular access for any office or business use containing more than ten thousand (10,000) square feet of floor area shall be from arterial, primary, or collector thoroughfares. In no case shall the principal means of access for such building be from a minor or local residential street. Access points shall be designed to minimize traffic hazard and congestion in accordance with accepted principles of traffic engineering and established Town policies.
- 9-11.2 Convenient, comfortable and safe pedestrian access shall be provided to adjacent public rights of way and to adjacent properties when appropriate, through the provision of sidewalks or trails.
- 9-11.3 Loading operations shall be conducted within a building and screened from general public view from fronting streets or shall be conducted at the side or rear of buildings.
- 9-11.4 Any part of the lot or project area not used for buildings or other structures, parking, loading, and accessways, shall be landscaped with appropriate planting, or with pedestrian walks in accordance with an approved landscaping plan, in accord with Article 8, Landscape Requirements .

- 9-11.5 Refuse containers or refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences, walls, or landscape planting.

9-12 Open Space *[from existing Article 23]*

- 9-12.1 Open Space, General. Where Open Space is required within any R district, the PUD district, or elsewhere at the developer's option, there are two (2) alternate arrangements possible for the ownership, maintenance, and perpetuation of the Open Space as follows.
- 9-12.2 Open Space Deeded to Town. Open Space may be deeded to the Town if the open space is to serve the public in general and is consistent with the ~~proposals~~ policies for acquisition of open space as presented in the Comprehensive Plan and any applicable Town regulations. The Town Council shall determine whether or not to accept all such open space based upon conformity to the Comprehensive Plan, size, location, character, and general suitability. Such open space must consist of parks and recreation areas; conservation, utility, and drainage easements; greens or squares; or other similarly appropriate area as determined by the Town Council. Nothing herein shall deem it inappropriate for the Town to accept other lands by deed such as public building sites and right-of-way; however, such lands shall not be considered as fulfilling the acreage requirements for Open Space.
- 9-12.3 Open Space Lands in Corporate Ownership. Open Space not serving the public in general, not consistent with the open space ~~proposals~~ policies as presented in the Comprehensive Plan or Town regulations; and not needed, desired, or dedicated to the Town shall be conveyed to an ~~entity nonprofit corporation~~ duly established under the laws of Virginia to maintain and manage such Open Space. Agreements and covenants running with the land must assure its proper maintenance. All such arrangements are subject to the review and approval of the Town. Such covenants shall provide that the assessments, charges, and costs for the maintenance of the open space lands shall constitute a pro rata lien upon the individual lots, parcels, or other units of the development which can be sold, second only to taxes and any prior lien on each lot or parcel. The members of such nonprofit corporate ownership shall be the owners of all lots within the development, and the said land is to be held and used for the benefit of all residents. Such open space lands shall not be denuded, defaced, or destroyed in any manner.
- 9-12.4 General Location, Binding. All open space lands approved and adopted by the Town Council and/or Planning Commission, including, but not limited to, lands approved in conjunction with a concept development plan, preliminary sketch, plat or other development plan, are binding as to location, acreage, and uses proposed.

~~**23-5 Preliminary Sketch and Preliminary Plat Application.** The Town Planning Commission shall review the preliminary sketch and/or the preliminary plat application and make its~~

~~recommendation to Town Council with regard to the use, applicability, and location of the open space as well as its relationship to the Comprehensive Plan.~~

- 9-12.5 Indication of Final Plat. All final plats and development plans shall indicate in the title block, by section as recorded, the open space areas by type of use, the acreage, and the percentage of the total project included on each plat.
- 9-12.6 Streets, Lots, Parking Bays Not Included. Streets, alleys, service drives, parking bays, stormwater management facilities, and all lots to be transferred for sale, where provided as required, shall be computed as a part of the lot coverage, and shall not be credited as open space.

9-13 Outdoor Display

An outdoor display area ~~of a designated size~~ may be used for the display of equipment, machinery, vehicles and other merchandise or property for sale or lease, permitted to be sold on such property, hereafter the “merchandise”. The following conditions shall apply to the outdoor display of merchandise:

- 9-13.1 Merchandise shall be displayed on an impervious surface, not within designated parking areas for customers.
- 9-13.2 Vehicles, trailers, or other mobile merchandise displayed for sale, resale, or rent, shall be operable.
- 9-13.3 Merchandise being displayed shall be in a ready state of purchase or resale
- 9-13.4 Damaged, unassembled, or inoperable merchandise, must be stored on an impervious or gravel surface. No gravel surface shall be used to park vehicles to meet the minimum parking requirements of this Ordinance or otherwise. ~~(Adopted 10/9/01)~~
- 9-13.5 No displays shall be permitted in public rights-of-way.

9-14 Performance Standards for All Non-Residential Uses

- 9-14.1 Performance Standards. Performance standards for each ~~industrial~~ non-residential use will be in conformance with standards adopted by the Town Council and in no case shall standards relative to water, air, sound, and land pollution control be less than those standards adopted by the Virginia Department of Health, the Virginia Water Control Board, and the Virginia Air Pollution Control Board.
- 9-14.2 The sound pressure level of sound radiated from an establishment, measured at the lot line of the site thereof that is the nearest thereto, shall not exceed the values in any octave band of frequency that are specified in Table 9-1 below, or in Table 9-1 as modified by the

correction factors set forth in Table 9-2. The sound pressure level shall be measured with a sound level meter and an associated octave band analyzer conforming to standards prescribed by the American National Standards Institute.

Table 9-1
Maximum Permissible Sound Pressure Levels Measured
re 0.0002 dyne per CM²

Frequency Band Cycles per Second	Along Residential District Boundaries – Maximum Permitted Sound Level In Decibels	At Any Other Point on the Lot Boundary – Maximum Permitted Sound Level In Decibels
63	64	72
125	60	70
250	54	65
500	48	59
1000	42	55
2000	38	51
4000	34	47
8000	30	44

Table 9-2
Correction Factors

Condition	Correction in Decibels
On a site contiguous to or across a street from the boundary of any R-district established by this chapter.	Minus 5
Operation between the hours of 10:00 p.m. and 7:00 a.m.	Minus 5
Sound of impulsive character (e.g., hammering)	Minus 5
Sound of periodic character (e.g., sawing)	Minus 5
Tone (e.g., hum or screech)	Minus 5
Sound source operated less than:	
20% in any one hour period	Plus 5 ¹
5% in any one hour period	Plus 10 ¹
1% in any one hour period	Plus 15 ¹

1: Apply only one of these corrections. All other corrections (including any one of the footnoted) are cumulative.

9-14.3 Smoke Control

1. No smoke shall be emitted from any chimney or other source a visible gray greater than No. 1 on the Ringlemann Smoke Chart as published by the U. S. Bureau of Mines.
2. Smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than four (4) minutes in any thirty (30) minutes.
3. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color, but with an equivalent apparent opacity.

9-14.4 Control of Dust and Dirt, Fly Ash and Fumes, Vapors and Gases

1. No emission shall be made which can cause any damage to health, to animals or vegetation, or to other forms of property, or which can cause any excessive soiling at any point.
2. No emission of liquid, other than water, or solid particles from any chimney or otherwise shall exceed the following:
3. For less than eight (8) million Btu/hr: a maximum of 0.3 grains per standard cubic foot corrected to twelve (12) percent carbon dioxide, seventy (70) degrees F., and one (1) atmosphere pressure.
4. For over eight (8) million Btu/hr: a maximum of .08 grains per standard cubic foot corrected to twelve (12) percent carbon dioxide, seventy (70) degrees F., and one (1) atmosphere pressure.
5. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of five hundred (500) degrees F. and fifty (50) percent excess air.

9-14.5 Control of Odors.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system shall fail. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual" copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

9-14.6 Control of Glare or Heat.

Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

9-14.7 Control of Vibration.

No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

9-14.8 Control of Radioactivity or Electrical Disturbance.

There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbances (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbances.

9-14.9 Outdoor Storage and Waste Disposal:

1. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices, or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
2. All outdoor storage facilities for fuel, raw materials and products and all fuel, and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
3. Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting.
4. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.
5. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

9-14.10 Electric, Diesel, Gas, or Other Power.

Every use requiring power shall be so operated that the service lines, substation, etc., shall conform to the most acceptable safety requirements recognized by the Virginia Bureau of Labor and Industry, shall be so constructed, installed, etc., to be an integral part of the

architectural features of the plant, or if visible from abutting residential properties, shall be concealed by coniferous planting.

9-14.11 Industrial Waste or Sewage.

No use shall be conducted in such a way as to discharge any treated or untreated sewage or industrial waste treatment and disposal except as shall be approved by Sanitary Engineers or other qualified persons at the expense of the owner of the premises. The Town of Warrenton may require sewage pre-treatment facilities to be installed, at the cost of the owner of the premises, to ensure that hazardous materials do not enter into the sewage collection and treatment facilities operated by the Town. Such facilities, and all monitoring procedures and required documentation, shall comply with all applicable state and federal approval procedures and regulations.

9-14.12 Drainage.

Provision shall be made for proper storm water drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable Town ordinances.

9-14.13 Provision and Use of Water.

All water requirements shall be stated in the application. If water is to be supplied from wells, an approved or accepted geologic study shall be furnished by the applicant with a certification by a professional geologist that the underground capacity for water supply and water table levels will not be appreciably altered in such a way as to endanger the available supply for other properties.

9-14.14 Other Uses.

Any use, which in the option of the Planning Commission and Town Council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise, or other cause shall be prohibited unless the applicant can substantially prove that such environmental impacts can be eliminated or controlled to meet the performance standards established by the Town.

9-15 Recycling Facilities *[entirely new section]*

9-15.1. Recycling Collection Facilities shall be subject to the following restrictions:

9-15.1.1. The facility shall be set back a minimum of 50 feet from the right of way of any public street or any lot zoned, used or planned for residential purposes.

- 9-15.1.2. Collection sites shall be maintained free of litter and debris.
- 9-15.1.3. Operation hours for collection sites may be established by the Town Council.
- 9-15.1.4. All facilities shall be screened from the view of abutting residential uses or districts by fences and landscaping conformance with the requirements of Article 8 of this Ordinance for light industrial uses abutting a residential use.
- 9-15.1.5. Containers shall be at least 200 feet from any residential dwelling.
- 9-15.1.6. No hazardous or toxic materials shall be accepted or permitted at such sites.
- 9-15.1.7. No noxious odors shall be emitted beyond the boundaries of the facility.

9-16 Residential Use Limitations *[entirely new section]*

9-16.1 Public Water and Sewer Service

All development within the Town is required to be served by public water and sewer facilities in accord with engineering and design standards set forth in the Public Facilities Manual, as well as all provisions of the Zoning and Subdivision Ordinances and all other Town regulations.

9-16.2 Open Space Requirements

- 9-16.2.1 Upon rezoning to any Residential District, at least ten (10) percent of the gross acreage of the tract shall be preserved as permanent, useable common open space, and developed for active recreation, passive recreation, or as a community green, regardless of other minimum requirements set forth in the districts.
- 9-16.2.2 All open space acreage shall be in addition to any required stormwater management facilities.
- 9-16.2.3 All active recreation space shall be graded and equipped for active recreational facilities to serve the residents of the development, in accord with Town engineering and design standards set forth in the Town PFM.
- 9-16.2.4 All passive recreation space shall preserve, environmentally sensitive areas, including, but not limited to, 100-year floodplains, existing tree canopy and existing specimen or heritage trees.

9-15.3 Pedestrian Circulation Requirements

All lots and uses within residential districts shall be designed to provide convenient and safe access for pedestrians through the use of sidewalks, trails and landscaping. The main entrances of buildings shall be oriented to the public sidewalk to an equal or stronger degree than to the driveway or garage.

9-16.4 Garages

Garages which serving single family detached dwellings shall be the same or smaller in height and bulk than the main dwelling. Garage entrances shall be set back a minimum of 12 feet behind the front line of the dwelling.

9-17 Steep Slopes [existing section 2-15]**9-17.1 Special Use Permit Required**

A Special Use Permit, obtained in accordance with provisions of Article 11, is required for grading and development on slopes of twenty-five (25) percent or greater.

9-17.2 In issuing a Special Use Permit, the Town Council shall consider the following factors,:

9-17.2.1 The proposed density of development on steep slopes and the extent of grading proposed to accommodate this development;

9-17.2.2 Whether the soils are particularly prone to erosion and likely to be subject to accelerated erosion rates due to alteration of the natural topography and disturbance or removal of existing ground cover;

9-17.2.3 Whether the proposed placement of buildings relates to the contour lines and natural form of the terrain and seeks to retain these natural features of the site. Development on steep slopes shall be designed to minimize grading;

9-17.2.4 Whether adequate protective measures are provided for steep slopes that are graded or temporarily denuded of existing ground cover, including the use of terracing, retaining walls, replanting or supplemental planting with suitable vegetation, or a combination of these methods, to reduce excessive runoff and soil erosion, provided further that provisions for the maintenance of and responsibility for any structural slope control is provided for in a manner deemed acceptable to the Town Council;

9-17.2.5 Whether adequate protection exists for structures and properties that lie below the steep slopes in case of slope failure or excessive runoff and sedimentation; and

9-17.2.6 ~~Whether the lot provides opportunities for clustering of dwelling units or the design of the proposed development uses~~ other innovative design techniques that ~~would~~ might eliminate or reduce the need for grading and/or development on steep slopes.

9-17.3 The Council may impose conditions to ensure that the proposed use does not ~~none of these or other factors~~ cause undue impacts on the site or adjacent sites and that the purposes of this Ordinance and the policies of the Comprehensive Plan are achieved. *[moved from 9.-17.2]*

9-18 Telecommunications Facilities *[entirely new section]*

9-18.1. Use Regulations for Telecommunications Towers.

The purpose of these provisions is to establish requirements for the siting of towers and antennas and to: (i) avoid the location of towers in residential areas and minimize the total number of towers and tower sites throughout the Town; (ii) encourage the joint use of new and existing tower sites; (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (iv) encourage users of towers and antennas to configure or camouflage them in a way that minimizes adverse visual impact of the towers and antennas; and (v) determine adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the Town.

9-18.2. Applicability.

9-18.2.1. District location and height limitations. The requirements set forth in this section shall govern the location and height of all telecommunications towers and antennas within the Town. All towers or antennas shall also comply with applicable Federal and State regulations. Amateur radio towers and antennas shall be regulated by the Town under existing State law and applicable Town regulations.

9-18.2.2. Existing structures and towers. The placement of an antenna on an existing structure such as a building, sign, light pole, water tank, or other free-standing nonresidential structure or existing municipal, utility or commercially owned tower or pole may be permitted with the approval of a special use permit so long as the height of the tower or structure is not increased and the addition of the antenna shall not add more than fifteen (15) feet in height to the structure or tower. If the use includes the placement of additional buildings or supporting equipment used in connection with the antennas, the building or equipment shall be placed within the existing structure and shall be screened from view. Existing or proposed structures shall not be altered to circumvent this provision.

9-18.3. General requirements.

- 9-18.3.1. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses when determining area requirements on a given parcel of land. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, and other applicable requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased areas within such lots.
- 9-18.3.2. Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing and potential future facilities that are either within the Town or surrounding jurisdictions or within five (5) miles of the border thereof, including specific information about the location, height, and design of each tower and/or antenna. Information submitted to the Town may be shared with other applicants applying for approvals or special exception permits under this provision or other entities seeking to locate towers or antennas within the Town. By sharing such information, the Zoning Administrator is not in any way representing or warranting that such sites are available or suitable for tower or antenna use.
- 9-18.3.3. A Commission Permit in accord with Section 15.2-2232 of the Code of Virginia is required for any tower or antenna prior to or in conjunction with any Special Use Permit approvals, if any, that may be required by the district regulations of this Ordinance.

9-18.4. Appearance; lighting.

The guidelines set forth in this section shall govern the appearance, location and installation of all towers and antennas governed by this Ordinance.

- 9-18.4.1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of FAA, be painted a neutral color, to reduce visual appearance and obtrusiveness and to blend in with the surrounding environment. Dish antennas and covers will be of a neutral, nonreflective color with no logos or other markings.
- 9-18.4.2. At a facility site, the design of any buildings and related structures must use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and the surrounding environment.

- 9-18.4.3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is the same as the color of the supporting structure so as to make the antenna and related equipment visually unobtrusive and blend with the surrounding environment.
- 9-18.4.4. Towers shall not be artificially lighted, unless required by the FAA or other applicable governing authority. If lighting is required, the Town Council may review the available lighting alternatives in conjunction with a Special Use Permit application and approve the lighting design that would cause the least disturbance to the surrounding views and properties.
- 9-18.4.5. No advertising of any type may be placed on a tower or accompanying facility unless it is part of retrofitting a pre-existing, lawful sign structure.

9-18.5. Federal and state requirements.

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal or state governments with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this division shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. All towers and antennas constructed on property owned or leased by the federal or state government but used by non-governmental, commercial companies or operators, must comply with all requirements of the Town Zoning Ordinance.

9-18.6. Building Codes.

To ensure the structural and operating integrity of antennas and towers, the owner of an antenna or tower shall ensure that it, and any supporting buildings and structures, are constructed and maintained in compliance with standards contained in applicable federal, state and local buildings codes and regulations.

9-18.7. Information Required.

Each applicant requesting a special use permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals in the Commonwealth of Virginia, showing the location and dimensions of all improvements, including information concerning topography, existing vegetation, proposed clearing and grading, radio frequency coverage, tower height and antenna location requirements,

setbacks, ingress/egress, parking, fencing, landscaping, adjacent uses, and other information deemed by the Town Planning Commission or Town Staff to be necessary to assess compliance with this division. Additionally the applicant shall provide actual photographs of the site from designated relevant views that include a simulated photographic image of the proposed tower and antennas. The photograph with the simulated image shall include the foreground, the mid-ground and the background of the site.

9-18.7.1. An engineering report, certifying that the proposed antenna or tower is compatible for co-location when more than one user is proposed for the same tower, must be submitted by the applicant.

9-18.7.2. The applicant shall pay all costs associated with notifying adjoining property owners and other nearby residents by certified letter concerning the project prior to public hearings before the Planning Commission and/or, on appeal, the Town Council.

9-18.7.3. The applicant shall provide copies of its co-location policy. The applicant shall provide copies of propagation maps using proposed antenna tilt demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary to serve the intended area.

9-18.7.4 The applicant shall provide a report and drawings identifying its coverage area within the Town and surrounding 10-mile area.

9-18.8. Factors to be Considered in Granting Special Use Permits for New Towers and Antennas

The Town Council shall consider the following factors, in addition to others herein, in determining whether to approve a Special Use Permit. *[move the following to the end of the section]:*

9-18.8.1. Height of the proposed tower: No tower shall ever exceed 199 feet.

9-18.8.2. Proximity of the tower or pole to residential structures and residential district boundaries, historic structures and districts, or other manmade or unique natural areas within or adjacent to the Town

9-18.8.3. Nature of the adjacent uses and nearby properties.

9-18.8.4. Surrounding topography.

9-18.8.5. Impact on surrounding tree coverage and foliage. Impacts shall be kept to the minimum for the installation of the facility.

- 9-18.8.6. Design of tower or pole, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- 9-18.8.7. Proposed ingress and egress.
- 9-18.8.8. Compliance with the Town's co-location policy.
- 9-18.8.9. Consistency with the Comprehensive Plan and the purposes of the zoning district of the facility and areas from which the antenna or tower will be visible.
- 9-18.8.10. Availability of suitable existing towers and other structures as provided for in Section 9-18.9 herein.

The Council may waive or modify one (1) or more of these criteria if the Council concludes that the goals of this Ordinance are better served by the facility as it is proposed by the applicant.

9-18.9. Availability of Suitable Existing Towers or Other Structures.

Co-location is the preferred solution to the need for additional antennas. No new tower shall be permitted unless the applicant demonstrates that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence to be considered in determining whether existing towers or structures cannot accommodate the applicant's proposed antenna include the following:

- 9-18.9.1. No existing towers or structures are located within the geographic area required to meet applicant's engineering and coverage requirements under the Telecommunications Act (TCA).
- 9-18.9.2. Existing towers or structures are not of sufficient height to meet applicant's engineering and coverage requirements under the Telecommunications Act (TCA).
- 9-18.9.3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and cannot be made or reconstructed to support additional antennas.
- 9-18.9.4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing tower or structures would cause interference with the applicant's proposed antenna.

A written statement of justification with supporting documentation is required from any applicant claiming that no existing facility can accommodate its antenna. The Town Council may use its own staff, its own consultants or other independent authorities to review and verify information submitted by the applicant.

9-18.10. Setbacks.

Towers shall be set back a distance of at least one hundred (100) percent of the height of the tower from the boundaries of the property on which the tower is located.

9-18.11. Security fencing.

Towers shall be enclosed by security fencing not less than six (6) feet in height and shall be equipped with an anti-climbing device.

9-18.12. Landscaping.

The following requirements shall govern the landscaping surrounding towers.

9-18.12.1. Tower facilities shall be landscaped with a mix of deciduous and evergreen trees that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip of at least ten (10) feet wide outside the perimeter of the facility compound.

9-18.12.2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

9-18.13. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of two (2) years shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Zoning Administrator notifying the owner of such removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings.

If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the Town may require the landowner to have it removed.

9-19 Temporary Uses *[existing Section 2-16]*

~~The Zoning Administrator may approve certain outdoor temporary uses of a commercial nature upon private property which will not adversely affect the health or safety of the public nor be~~

~~detrimental to adjacent properties.~~_____

9-19.1 Permitted Temporary Uses in Commercial Districts

Notwithstanding the specific use regulations of the individual commercial zoning districts, the following uses may be permitted on a temporary basis on property located within any commercial zoning district when such uses are in conformance with the regulations of this subsection:

- 9-19.1.1. Temporary retail sales stands limited to the primary sale of Christmas trees, Halloween pumpkins, fireworks, or merchandise sold by civic or non-profit groups and with sale of accessory items clearly secondary to the primary items. (For the purpose of this subsection the term civic or non-profit group shall include any organization which meets regularly in the Town or which has "Warrenton" or a Town location in its name, and which has demonstrated service to the Town.
- 9-19.1.2. Carnivals, festivals, fairs or similar outdoor entertainment events.
- 9-19.1.3. Outdoor retail sales events, provided that such sales shall be conducted by an existing retail business located on the same property and shall not interfere with or restrict designated access drives or parking for the existing facility.
- 9-19.1.4. Construction activities. Temporary non-residential buildings and storage of materials necessary to support on-site activities for constructing buildings and structures are permitted when located on the same parcel where the construction is taking place and when limited to the duration of the construction.

9-19.2 Use Restrictions

Uses permitted under this subsection shall conform with the following regulations:

- 9-19.2.1. Temporary retail sales stands shall not operate for a period of more than thirty (30) days.
- 9-19.2.2. Carnivals, festivals, fairs or similar outdoor entertainment events shall not operate for a period of more than five (5) days for any event.
- 9-19.2.3. The uses enumerated in this subsection shall operate between 9:00 a.m. to 7:00 p.m.; provided, however, that based upon a lighting plan submitted by the applicant, the Zoning Administrator may approve additional evening hours. In no event shall such use operate after 11:00 p.m.

- 9-19.2.4. Outdoor retail sales events shall not operate for a period of more than four days for any event.
- 9-19.2.5. All temporary uses shall be provided convenient off-street parking spaces in sufficient number for the use, as determined by the Zoning Administrator. Notwithstanding other requirements of this Chapter, such parking may be located off-site.
- 9-19.2.6 All temporary uses which include the operation of amplified sound shall adhere to the regulation set forth in Section 11-19, Noise of Chapter 11, Offenses - Miscellaneous of the Town Code.
- 9-19.2.7 A temporary use may restrict through traffic on a public right-of-way, including streets, drives in commercial areas and sidewalks, provided that the permit establishes clear limitations on such restrictions, including limits as to the number of days and hours of each day in which restrictions may apply, and that adequate alternative access ways are identified and maintained during this time period, and that emergency access is coordinated with the Zoning Administrator and Town public safety officials.
- 9-19.2.8 No structure shall exceed four hundred square feet in floor area nor be closer than thirty-feet to a public road right-of-way.
- 9-19.2.9 Entrances and exits to public roads shall be clearly marked, and located so as to provide safe access to the site.
- 9-19.2.10 Adequate on-site parking is provided for the activity intended.
- 9-19.2.11 Removal of temporary structures and all signs, materials and debris shall be guaranteed in writing and such structures shall be removed upon termination of the activity.
- 9-19.2.12 Permits shall be valid for a period not to exceed thirty consecutive (30) days unless extended by the Zoning Administrator, and each event or activity on a site shall be separated by a period of not less than thirty (30) consecutive days.

9-19.3 Permit and Application Requirements

A Zoning Permit shall be required for a temporary use with the exception of the uses set forth in Article 11. Application for such permit shall be made at least one week prior to the date on which the permit is to take effect. The application shall be made on a form provided by the Zoning Administrator and shall include information about the proposed use, products to be sold, sign, and related licenses and permits.

9-19.4 Maximum Number of Permits

During a calendar year, no more than the following number of permits shall be permitted for each parcel of land or business:

9-19.4.1. Temporary retail sales stands - Three permits per parcel.

9-19.4.2. Carnivals, festivals, fairs or similar outdoor entertainment events - four permits per parcel.

9-19.4.3. Outdoor retail sales events - four permits per retail business.

9-19.4.4. Additional permits for temporary uses may be authorized by the Town Council.

9-19.5 Public Uses Excluded

Any use located on ~~public~~ government-owned property which is approved by the Town shall not be considered a temporary use subject to these restrictions.

9-19.6 Signs

Notwithstanding other regulations governing signs in this Chapter, the Zoning Administrator may approve one sign for each temporary use, in accord with Article 6 up ~~to a maximum of 32 square feet of sign area~~, which shall be displayed only during the period approved for the temporary use.

9-19.7 Revocation of Temporary Permit

The Zoning Administrator may revoke a temporary permit at any time subsequent to the failure of the owner or operator of the permitted use to observe all requirements of the law with respect to the maintenance and conduct of the use, and all conditions of the permit that were designated by the Zoning Administrator when issued. Upon receipt of notice of revocation of the permit, the property owner or operator of such activity shall cease operation of the activity immediately. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Ordinance.

9-19.8 Civic or Non-Profit Organization

The operation of a temporary use by a civic or non-profit organization shall be exempt from the requirements of Section 9-19.3. Such organization or its members shall also be exempt from the requirements of Section 9-19.2 when cookies, candy, baked goods or similar small items are sold on commercial properties in areas devoted to pedestrian use.

9-20 Traditional Neighborhood Development Option (TND) *[entirely new section]***9-20.2 Purpose**

The purpose of the Traditional Neighborhood Development Option (TND) as a supplemental use is to provide opportunities for the creation of new neighborhoods in areas of the Town for which the PUD overlay district is not applicable, but where TND features may be appropriate and would help achieve the goals of the Comprehensive Plan.

The purposes of TND provisions for supplemental uses are the same as the purposes for such provisions as an option in the PUD District, set forth in Article 3, Section 3-5.2.10, as follows:

[the following is repeated here from Article 3]

- Provide opportunities for the creation of new neighborhoods that have the desirable qualities of the Town's older neighborhoods that were developed before the late 20th century. These neighborhoods feature a mix of land uses and building types, closely linked by an interconnected network of streets that are framed by buildings, and thus comfortable for pedestrians.
- Provide optional provisions is to allow a flexible set of land use and design regulations that will allow traditional neighborhoods to be built subject to Town review and approval through the Special Use Permit process.
- Allow residents to carry out many of life's activities within their neighborhood, including working, shopping, education and recreation.
- Provide a range and mix of land uses and dwelling types.
- Provide a transportation system that provides safe and convenient movement for all forms of traffic, including motor vehicles, pedestrians and bicycles.
- Provide a system of civic spaces including parks, squares and public structures to create a sense of community.
- Provide a strong sense of identity to the neighborhood by creating public streets and outdoor spaces that are convenient for people to be in and travel through.

9-20.2 Applicability

TND provisions may be used within any district in which such an option is listed as a permissible use subject to Special Use Permit approval.

9-20.3 Standards

The development standards for TND development are as provided for in Article 3, Section 3-5.2.10. In no case, however, shall the TND provisions allow the applicant to exceed the overall density that is otherwise permitted in the underlying zoning district.

9-21 Utility Lots

Provisions for Modifying Area Regulations. *[existing 4-8.2a]* The Town Council may approve, in conjunction with the approval of a Special Use Permit, the waiving of the minimum area regulations for installation of treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communication towers, storage yards and substations and cable televisions facilities and accessory buildings, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties.
3. Such modification shall be approved only if the remaining provisions of this Ordinance can be met.
4. In no case shall any building be located closer to any lot line than a distance equal to the height of the building, as measured to its highest point.
5. If the lot is accessed by a private access way, a permanent easement shall be established to guarantee access to the utility.
6. The lot area is sufficient to operate the utility. ~~(Amended by Council 11-12-97)~~

10-22 Yard and Garage Sales

Yard or garage sales for disposal of used household items, shall not be held more frequently than once a year on the same lot, shall not be conducted for more than three (3) consecutive days total, and shall include items assembled only from the household of the site and/or its adjoining neighbors.